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REMARKS

In response to the Office Action mailed March 20, 2008, Applicants respectfully request reconsideration. To further the prosecution of this Application, Applicants submit the following remarks and have canceled claims. The claims as now presented are believed to be in allowable condition.

Claims 1-51 were pending in this Application. By this Amendment, claims 26-33 and 42-49 have been canceled. Applicants expressly reserve the right to prosecute at least some of the canceled claims and similar claims in one or more related Applications. Accordingly, claims 1-25, 34-41, and 50-51 are now pending in this Application. Claims 1, 9, 10, 18, and 34 are independent claims.

Allowed Claims

Claims 1-17, 34-41 and 50 have been allowed.

Rejections under §101

Claims 18-25 and 51 were rejected under 35 U.S.C. §101 because the “claimed invention is not directed towards a relationship/interaction between claimed processes and any hardware” (Office Action, page 2, section 2).

However, claims 18-25 and 51 are directed to an *apparatus*, which clearly falls within the enumerated statutory categories of 35 U.S.C. §101. “The burden is on the USPTO to set forth a prima facie case of unpatentability. Therefore if USPTO personnel determine that it is more likely than not that the claimed subject matter falls outside all of the statutory categories, they must provide an explanation” MPEP § 2106.IV.A.

Although, “claims directed to nothing more than abstract ideas (such as mathematical algorithms), natural phenomena, and laws of nature are not eligible

for patent protection” MPEP § 2106.IV.C due to judicial exceptions, the claims are not directed to abstract ideas, natural phenomena, or laws of nature.

The only explanation provided in the Office Action is that the “claimed invention is not directed towards a relationship/interaction between claimed processes and any hardware” (Office Action, page 2, section 2). However, Applicants are unable to find any statutory, regulatory, or judicial basis for this explanation. If the rejection of claims 18-25 and 51 under 35 U.S.C. §101 is to be maintained, Applicants respectfully request a citation to a statute, regulation, or case providing a legal basis for the rejection.

Furthermore, it is not even true that the “claimed invention is not directed towards a relationship/interaction between claimed processes and any hardware.” Indeed, claim 18 is not directed towards a “process” at all, but rather to an apparatus! Furthermore, claim 18 recites several hardware elements, which are configured to perform various processes, thus it appears to be incorrect to state that there is no “relationship/interaction” with “any hardware.”

Thus, since the Office Action has not provided an explanation of how the claimed subject matter falls outside the statutory categories or how the claimed subject matter falls into a judicial exception, no prima facie case of non-statutory subject matter has been established, and therefore claims 18-25 and 51 are in allowable condition.

Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this effect is respectfully requested. If the Examiner believes, after this Amendment, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants’ Representative at the number below.

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Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Amendment, including an extension fee, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,

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